



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

NOV 16 2005

OFFICE OF
CIVIL RIGHTS

RETURN RECEIPT REQUESTED

Certified Mail #7003 2260 0005 1961 1803

In Reply Refer to:

EPA File No. 02R-05-R6

[REDACTED]

Re: REJECTION OF ADMINISTRATIVE COMPLAINT

Dear [REDACTED]

This is in response to your September 15, 2004, administrative complaint filed with the U.S. Department of Justice (DOJ). DOJ referred your complaint to the U.S. Environmental Protection Agency's (EPA) Office of Civil Rights (OCR) in February 2005. Your complaint alleges that an employee of the Hughes Water and Sewer Authority (HWSA) provided inappropriate, discriminatory customer service due to your race and sex. EPA construes your complaint to be that HWSA has violated EPA's nondiscrimination regulations found at 40 C.F.R. Part 7.

OCR is responsible for processing and investigating complaints of discrimination filed against programs or activities that receive financial assistance from EPA. Pursuant to EPA's nondiscrimination regulations, OCR conducts a preliminary review of discrimination complaints for acceptance, rejection, or referral. 40 C.F.R. § 7.120(d)(1). To be accepted for investigation, a complaint must meet the jurisdictional requirements described in EPA's Part 7 regulations. 40 C.F.R. § 7.120. First, it must be in writing. Second, it must describe an alleged discriminatory act that, if true, would violate EPA's nondiscrimination regulations (*i.e.*, an alleged discriminatory act based on race, color, sex, or national origin). Third, it must be filed within 180 days of the alleged discriminatory act. Finally, because EPA's nondiscrimination regulations apply to applicants for or recipients of EPA financial assistance, the complaint must be filed against an EPA applicant or recipient that allegedly committed the discriminatory act. 40 C.F.R. § 7.15.

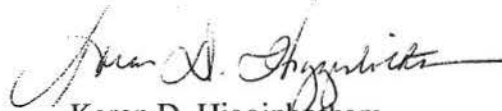
After reviewing your complaint, OCR has concluded that it cannot accept your complaint for investigation since it does not meet the jurisdictional requirements

described in EPA's nondiscrimination regulations. Specifically, HWSA is not a recipient of EPA financial assistance.

It appears that your complaint may be properly addressed by the U.S. Department of Agriculture (USDA). During EPA's preliminary review of your complaint, HWSA indicated that it receives financial assistance from the USDA. Therefore, we are referring the complaint to USDA for their review. You will receive a copy of the letter forwarding your complaint to USDA.

If you have any questions, please contact Anthony Napoli of OCR's External Compliance Program via Federal Relay on 1-800-877-8339 and reach him on 202-233-0651 TTY, via electronic mail at Napoli.Anthony@EPA.gov, or by mail to the U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460-1000.

Sincerely,



Karen D. Higginbotham
Director

cc: Donnie Mooney, Mayor
City of Hughes

Stephen G. Pressman, Associate General Counsel
Civil Rights Law Office (MC 2399A)

Sherry Brown Wilson, Title VI Coordinator
EPA Region 6